

NATIONAL HUMAN RIGHTS COMMISSION
(L A W D I V I S I O N)
FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

Case No. 3/23/4/09-10-AR

Dated 12/09/2012

13 SEP 2012

To

JAGDISH RAWAT
OFFICE ADMINISTRATOR, NATIONAL CAMPAIGN
FOR PREVENTION FOR TORTURE, C-3/441-C,
JANAKPURI,
WEST DELHI, DELHI.

Sir/Madam,

With reference to your complaint dated 18/06/2009, I am directed to say that the matter was considered by the Commission on 10/09/2012. The Commission has made the following directions.

Two minor girls became victim of gang-rape by Special Police Officer in Mungiakami village of West Tripura. Financial assistance of Rs. Three Lakhs each for the two girls was recommended by the Commission. The Government of Tripura has now communicated that the amount has been paid to the two victims. The proof of payment has also been sent.

Since the recommendation has been complied with, the case is closed.

This is for your information.

Yours faithfully,

ASSISTANT REGISTRAR(LAW)

Assistant Registrar(LAW)
Tel. No.: 011-2338 5368
Fax No.: 011-2338 6521
Telegraphic Add.: "HUMANRIGHTS"
Home Page : <http://nhrc.nic.in>

Case No. 8/23/4/09-10-AR
NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
* * *
FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

Dated

02 AUG 2011

To
THE CHIEF SECRETARY
GOVT. OF TRIPURA, AGARTALA

Sub : Complaint from

JAGDISH RAWAT
OFFICE ADMINISTRATOR, NATIONAL
CAMPAIGN FOR PREVENTION FOR TORTURE,
C-3/441-C, JANAKPURI,
WEST DELHI DELHI. 110058

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 26-07-2011 and the Commission has directed as follows.

National Campaign for Prevention of Torture-a NGO-drew the attention of the Commission towards the gang-rape of two minor tribal girls by four persons including Special Police Officers (SPOs) identified as Sany Debbarma, Uttam Debbarma and Gopal Debbarma and motor mechanic Samir Debbarma at Mungiakami village of Atharmura Foothills in West Tripura, Tripura on 4.6.2009. The complainant prayed for intervention of the Commission and sought the following directions: -

"Direct the State Government of Tripura to order a judicial inquiry into the gangrape of two tribal minor girls by three SPOs, Sany Debbarma, Uttam Debbarma and Gopal Debbarma and motor mechanic, Samir Debbarma at Mungiakami village of Atharomura foothills in West district, and submit a report to NHRC within two weeks;

Direct the State Government of Tripura to send the medical reports of toe victims to NHRC within two weeks;

Direct the State Government of Tripura to take action against the accused as per the law and also to initiate action against the policemen who reportedly threatened the victim's families to withdraw the case and the village panchayat who asked the accused to marry the victims.

Direct the State Government of Tripura to provide an interim compensation of Rs. five lakhs each of the rape victims; and

Take any other measure which the NHRC deems fit and proper."

Upon perusal, the Commission vide proceedings dated 24.6.2009 directed issue of notice to the DGP, Tripura calling for a report within four weeks.

Pursuant to the directions of the Commission, Asst. Inspector General of Police (OPS), Tripura vide communication dated 6.8.2009 has submitted report which reads as under: -

"The matter has been enquired into. It is to be informed that a specific case on the incident as communicated by your office under above reference, has been registered at Mungiakami P S. vide case No. 08/09, dated-06.06.09 u/s 341/376(2)(G) IPC. During investigation, the I/O arrested 3(three) FIR named accused persons namely Samir Debbarma, Gopal Debbarma and Uttam Debbarma out of 4(four) FIR named accused persons and forwarded them to Court. Raids are being continued to arrest the remaining 1 (one) FIR named accused person namely Sani Debbarma who has been found absconding to evade police arrest. The I/O also arranged for medical examination of both the victim girls and recording their statements Judicially u/s 164 Cr.PC. The I/O also arranged to send the vaginal swabs of the victim girls which were collected by the Medical Officer during medical examination, to the State Forensic Science Laboratory, Narsingarh for expert's opinion. The FIR named Special Police Officers have already been dismissed.

All necessary steps are being taken by the police as per law and procedure. The allegation leveled against police for threatening the victim girls and their family members is not true. No information regarding intervention by the village panchayat into the matter has also been reported so far either at Mungiakami PS. or at S.D.P.O's office at Teliamura,"

After perusing the records the Commission vide proceedings dated 14.09.2009 observed and directed as under:-

"It is seen from the record that Case No. 08/09 dated 6.6.2009 u/s 341/376(2)(G)IPC has been registered against four accused, including three Special Police Officers. Three accused have been arrested. FIR named Special Police Officers have been dismissed.

Prima facie a case of grave violation of human rights has been established against three Special Police Officers, who were supposed to protect the dignity of the women. All the three SPOs have been dismissed. In the considered opinion of the Commission, it is a fit case for grant of monitory relief to the two minors who have become victims of brutality of three SPOs. Accordingly, the Commission directs issue of notice to the Chief Secretary, Tripura to Show Cause as to why the Commission should not recommend monitory relief to the two victims who became victims of lust of policemen."

Pursuant to the directions of the Commission, show-cause Notice dated 17/09/2009 was issued to the Chief Secretary, Tripura calling for response by 6/11/2009. In response the Under Secretary, Home Department, Government of Tripura has sent a copy of the reply dated 30.10.2010 wherein it has been stated that an amount of Rs.20,000/- each has been sanctioned in favour of Ms Purnima Debbarma and Ms Mithu Debbarma and the cheque has been placed with the DM for payment.

The Commission has considered the reports on record and in particular, the reply to the Show Cause Notice submitted by the Govt. of Tripura. Undisputedly, the two minor tribal girls were gangraped by Special Police Officers who were duty bound to protect their dignity. The guilty SPO's have been dismissed and arrested. As such, a grave violation of human rights by public servant appears to have been established.

Rape is a heinous crime. Trauma of rape leaves a permanent scar in the life of the victims. The fabric of dignity of a woman is rent asunder by such acts, and this loss is irreparable and cannot be compensated. In the instant case the amount of Rs.20,000/- each is grossly inadequate to compensate the victims for the physical and mental trauma they are undergoing. The Commission therefore recommends the Government of Tripura to pay a sum of Rs.3,00,000 each to the victims Purnima Debbarma and Ms Mithu Debbarma.

The Chief Secretary, Govt. of Tripura, to submit the Compliance report along with proof of payment to be within four weeks.

It is therefore, requested that the compliance report in the matter be sent to the Commission latest by 30-08-2011, so that the same could be placed before the Commission.

Yours faithfully,

Sel/-

ASSISTANT REGISTRAR (LAW)

CC To.

8/23/4/09-10

✓ **JAGDISH RAWAT**
OFFICE ADMINISTRATOR, NATIONAL
CAMPAIGN FOR PREVENTION FOR TORTURE,
C-3/441-C, JANAKPURI,
WEST DELHI, DELHI. 110058

[Handwritten Signature]

ASSISTANT REGISTRAR (LAW)